

Attorney's Docket: 1999US001
Serial No.:09/738,623
Art Unit 1751

REMARKS

Responsive to the restriction requirement Applicants have canceled claims 1-15 but reserve the right to file one or more divisional applications to cover the non-elected inventions.

Claims 18 and 22 stand objected due to informalities: Specifically, the phrase ("owg") and ("owb") renders the claim indefinite. Applicants have amended claims 18 and 22 to overcome this objection. Applicant respectfully requests these claims be allowed.

Claims 16-22 and 26-28 stand rejected, under 35 USC § 1.03(a) as being obvious from Bragg (US 4,430,243). While Bragg teaches a laundry bleaching detergent composition comprising a peroxygen bleaching agent and a catalyst system, he explicitly teaches away from water. See column 4, lines 61 and 62. The current application teaches the use of copious amounts of water, with greater than 90% of said textile treatment bath being water. Additionally, Bragg does not teach the use of caustic soda. The current application teaches the use of caustic soda in all claims and examples. While Bragg does teach the use of pH buffering materials (see column 3, lines 49-50), caustic soda is not a pH buffer. Applicants have amended claims 16-22 and 26-28 to more clearly define the invention. Applicants respectfully request that these claims be allowed.

Claims 17 and 18 stand rejected under 35 USC § 1.03(a) as being obvious from Bragg (US 4,430,243). Specifically due to Bragg teaching that laundry compositions contain from about 5% to about 90% detergency builder, organic alkaline salt of citric acid for example. See col. 11, lines 4-30. While the current application does teach the use of trisodium citrate, the concentration is from 0.2% up to 5.0% owg.

Attorney's Docket: 1999US001
Serial No.: 09/738,623
Art Unit 1751

Based on a 10 to 1 liquor ratio, as taught in the current application, this would give a concentration in the textile treatment bath of from 0.02% up to 0.50%, which is at least an order of magnitude outside of the teaching of Bragg. When these differences are combined with the fact that Bragg teaches a dry mixture and the instant invention is an aqueous bath, clearly, the Bragg reference neither teaches nor suggests the instant invention. Applicants respectfully request these claims be allowed.

Claims 19 and 20 stand rejected under 35 USC § 1.03(a) as being obvious from Bragg (US 4,430,243). Pursuant to the arguments put forth in the preceding paragraphs, Applicants respectfully requests these claims be allowed.

Claims 26, 27 and 28 stand rejected under 35 USC § 1.03(a) as being obvious from Bragg (US 4,430,243). Pursuant to the arguments put forth in the first two paragraphs of these remarks, Applicants respectfully requests these claims be allowed.

Claims 29 and 30 stand rejected under 35 USC § 1.03(a) as being obvious from Bragg (US 4,430,243) and Kravetz et al. (US 4,025,453). Pursuant to the arguments put forth in the first two paragraphs of these remarks, the rejection based on Bragg is traversed, therefore the combination with Kravetz et al. should not be considered as obvious. Applicants respectfully request that these claims be allowed.

Claims 23-25 stand rejected under 35 USC § 1.03(a) as being obvious from Bragg (US 4,430,243) and Chapple et al. (US 5,536,441). Pursuant to the arguments put forth in the first two paragraphs of these remarks, the rejection based on Bragg is traversed, therefore the combination with Chapple et al. should not be considered as obvious. Applicants respectfully request these claims be allowed.

Attorney's Docket: 1999US001
Serial No.:09/738,623
Art Unit 1751

As the total number of claims does not exceed the number of claims originally paid for, no fee is believed due. However, if an additional fee is required, the Commissioner is hereby authorized to credit any overpayment or charge any fee deficiency to Deposit Account No. 03-2060.

Reconsideration and allowance of this application is respectfully requested.

Respectfully submitted,



Scott E. Hanf, Registration No. 38,906

(CUSTOMER NUMBER 25,255)

Clariant Corporation
Industrial Property Department
4000 Monroe Road
Charlotte, NC 28205
New Phone 704 331-7140
New Fax 704 331-7707

Attorney's Docket: 1999US001
Serial No.: 09/738,623
Art Unit 1751

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Docket: 1999US001

Rizzardi et al.

Serial No. 09/738,623

Group Art Unit: 1751

Filed: 12/15/2000

Examiner: Preeti Kumar

For: Process for Pre-Treating Cellulosic Fibers and Cellulosic Fiber Blends

VERSION WITH MARKINGS TO SHOW CHANGES MADE

Cancel claims 1-15.

16. A textile treatment bath composition for pre-treating a cellulosic, or cellulosic blends with synthetic fiber, substrate prior to dyeing comprising:

at least 90% water;

a non-foaming scouring/wetting agent;

[an] a first activating compound selected from the group of: salts of organic acids, [organic amine derivatives,] a transitional metal[s, pigments], transitional metal salts, transitional metal complexes and combinations thereof;

optionally, a second activating compound selected from the group of: organic amine derivatives, pigments, and combinations thereof;

caustic soda; and

hydrogen peroxide.

wherein said bath composition starts with a slightly alkaline pH.

17. A textile treatment bath composition according to claim 16, wherein said first activating compound is a salt of an organic acid is selected from sodium salts of citric acid, sodium st arate, sodium salts of gluconic acid, sodium oleate, potassium salt of citric acid, potassium stearate, potassium salt of gluconic acid, potassium

Attorney's Docket: 1999US001
Serial No.: 09/738,623
Art Unit 1751

oleate, ammonium salts of citric acid, ammonium stearate, ammonium salts of gluconic acid, ammonium oleate, and combinations thereof.

18. A textile treatment bath composition according to claim 17, wherein said salt of organic acid is about 0.2 to about 5.0% based on the weight of the substrate [("owg)].

19. A textile treatment bath composition according to claim 16, wherein said second activating compound is an organic amine derivative selected from urea, dicyandiamide, tetra-acetyl-ethylene-di-amine, acetyl-caprolactam, and combinations thereof.

20. A textile treatment bath composition according to claim 19, wherein said organic amine derivative is about 0.2 to about 5.0% owg.

21. A textile treatment bath composition according to claim 16, wherein said first activating compound is a transitional metal complex selected from copper gluconate, copper sulfate, copper acetate, copper carbonate, copper citrate, copper nitrate, copper EDTA, copper complexes, and combinations thereof.

22. A textile treatment bath composition according to claim 21, wherein said transitional metal is about 0.1 to about 10ppm based on the weight of the bath [("owb")].

23. A textile treatment bath composition according to claim 16, wherein said second activating compound is a pigment selected from pigmented Sulfur Black 1 with a particle size less than 150 μ m, fully pre-oxidized sulfur dyes, and combinations thereof.

Attorney's Docket: 1999US001
Serial No.:09/738,623
Art Unit 1751

24. A textile treatment bath composition according to claim 23, wherein said pigment is selected from Diresul Black 4G-EV and Titanium Dioxide.

25. A textile treatment bath composition according to claim 23, wherein said pigment is about 1 to about 200ppm owb.

26. A textile treatment bath composition according to claim 16, wherein said non-foaming scouring/wetting agent is selected from ethoxylated fatty alcohol and propoxylated fatty alcohol.

27. A textile treatment bath composition according to claim 26, wherein said non-foaming scouring/wetting agent is about 0.1 to about 1.5% owg.

28. A textile treatment bath composition according to claim 16 further comprising a peroxide stabilizer.

29. A textile treatment bath composition according to claim 28, wherein said peroxide stabilizer is selected from an organo-phosphate based agent, an amino-organic acid based agent, an organic acid based agent, a polyacrylic acid based agent, an earth alkaline salt, and combinations thereof.

30. A textile treatment bath composition according to claim 29, wherein said organo-phosphate based agent is Diethylenetriamine penta(methylene phosphonic acid), said amino-organic acid based agent is Diethylenetriamine pentaacetic acid, said organic acid based agent is Sodium salt of Gluconic Acid, and said earth alkaline salt is Mg^{+2} salt.

Attorney's Docket: 1999US001
Serial No.: 09/738,623
Art Unit 1751

Add new Claim 31 as follows:

31. A textile treatment bath composition for pre-treating a cellulosic, or cellulosic blends with synthetic fiber, substrate prior to dyeing comprising:

- at least 90% water;
- a non-foaming scouring/wetting agent;
- a first activating compound formed of a mixture of urea and copper gluconate;

- optionally, a second activating compound selected of a pigment;
- caustic soda; and
- hydrogen peroxide.

wherein said bath composition starts with a slightly alkaline pH.